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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,058	08/01/2000	Bo Wu	ENR-003	6628

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EXAMINER

LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2154

6

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,058

Applicant(s)

WU, BO

Examiner

Philip C Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-33 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. The specification is objected to because of the following informalities and grammar errors, page 10 (line 20), “mass data storage device 108” [i.e. data storage device 118].
Appropriate correction is required.

Claim Rejections – 35 USC 112

4. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedent basis:
 - i. The steps – claim 1.
 - b. Claim language in the following claims is not clearly understood:

- i. As per claim 1, lines 3-4, it is not clearly indicated what is the relationship between a directory device and a media supplier [i.e. the directory device couple the first client device with the media supplier?]; Lines 9-10, it is unclear how said encrypted media content can be forwarded by the first client device [i.e. does the second client device requests permission to receive the encrypted media content?]; Lines 11-12, it is uncertain where said encryption key capable of decrypting said encrypted media content originate [i.e. from the media supplier, directory server, or the first client device?].
- ii. As per claim 13, lines 7 and 11, and claim 24, lines 6 and 11, it is not clearly understood what is the relationship between a first encryption key and a second encryption key [i.e. are they duplicate copies of the same key?].

Claim Rejections – 35 USC 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 13-14, 16-17, 19, 21, 24, 28-29 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito, U.S. Patent 6,002,772.

8. As per claim 13, Saito taught the invention as claimed for providing a dynamic media distribution infrastructure in order to distribute media content (figure 1; col. 5, lines 16-20; col. 6, lines 34-42), said method comprising the steps of:

- a. a first client device communicating with a directory device in order to receive media content that is encrypted from a media supplier (2, figure 1; col. 6, lines 43-47);
- b. said first client device receiving said media content that is encrypted from said media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6);
- c. said first client device receiving a first encryption key capable of decrypting said media content that is encrypted (3 and 9, figure 1; col. 6, lines 61-col. 7, lines 4; col. 8, lines 14-19; col.; 5, lines 20-22);
- d. a second client device receiving said media content that is encrypted from said first client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67); and
- e. said second client device receiving a second encryption key capable of decrypting said encrypted media content (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

9. As per claim 24, Saito taught the system as claimed for providing a dynamic media distribution infrastructure in order to distribute media content (figure 1; col. 6, lines 34-42), said system comprising:

a media supplier adapted to transmit media content that is encrypted (8, figure 1; col. 7, lines 56-col. 8, lines 6);

a first client device coupled to said media supplier and adapted to receive said media content that is encrypted from said media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6), said first client device adapted to receive a first encryption key adapted to decrypt said media content that is encrypted (3 and 9, figure 1; col. 6, lines 61-col. 7, lines 4; col. 8, lines 14-19; col.; 5, lines 20-22);

a directory device adapted to couple said first client device to said media supplier (figure 3; col. 14, lines 28-35); and

a second client device coupled to said first client device and adapted to receive said media content that is encrypted from said first client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67), said second client device adapted to receive a second encryption key adapted to decrypt said media content that is encrypted (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

10. As per claim 14, Saito taught the invention as claimed in claim 13 above. Saito further taught the step of:

said second client device communicating with said directory device in order to receive said media content that is encrypted from said first client device (col. 5, lines 24-30; col. 8, lines 37-47).

11. As per claims 16 and 28, Saito taught the invention as claimed in claims 13 and 24 above, further comprising the step of:

said first client device receiving said first encryption key capable of decrypting said media content that is encrypted, wherein said first client device receives said first encryption key from said media supplier (4, figure 3; col. 14, lines 28-35; col. 14, lines 4-16).

12. As per claims 17 and 29, Saito taught the invention as claimed in claims 13 and 24 above, further comprising the step of:

said first client device receiving said first encryption key capable of decrypting said media content that is encrypted, wherein said first client device receives said first encryption key from said directory device (3, figure 1, col. 6, lines 61-col. 7, lines 4).

13. As per claims 19 and 31, Saito taught the invention as claimed in claims 13 and 24 above, further comprising the step of:

said second client device receiving said second encryption key capable of decrypting said media content that is encrypted, wherein said second client device receives said second encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

14. As per claims 21 and 32, Saito taught the invention as claimed in claims 13 and 24 above, further comprising the step of:

said first client device receiving said encrypted media content from said media supplier, wherein said media supplier comprises a third client device (col.20, lines 28-32).

15. As per claim 33, Saito taught the invention as claimed in claim 24 above, wherein said directory device adapted to coupled said second client device to said first client device (3, figure; col. 14, lines 28-35).

Claim Rejections – 35 USC 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-2, 4-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772.

18. As per claim 1, Saito taught the invention substantially as claimed for a dynamic media

distribution infrastructure in order to distribute media content (figure 1; col. 6, lines 34-42), wherein said method comprising the step of:

- a. a first client device communicating with a directory device in order to receive encrypted media content from a media supplier (2, figure 1; col. 5, lines 16-20; col. 6, lines 43-47);
- b. said first client device receiving said encrypted media content from said media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6);
- c. said first client device receiving an encryption key capable of decrypting said encrypted media content (3, 4 and 9, figure 1; col. 6, lines 61-col. 7, lines 13; col. 8, lines 14-19);
- d. a second client device receiving said encrypted media content from said first client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67); and
- e. said second client device receiving another encryption key capable of decrypting said encrypted media content (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

19. Saito did not specifically detailing the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client device. It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to modify Saito's method because it would increase the efficiency of Saito's method by using the same encryption key for decrypting the same encrypted media content at different client devices.

20. As per claim 2, Saito taught the method substantially as claimed in claim 1 above, further comprising the step of:

said second client device communicating with said directory device in order to receive said encrypted media content from said first client device (col. 5, lines 24-30; col. 8, lines 37-47).

21. As per claim 4, Saito taught the method substantially as claimed in claim 1 above, further comprising the step of:

said first client device receiving said encryption key capable of decrypting said encrypted media content, wherein said first client device receives said encryption key from said media supplier (4, figure 3; col. 14, lines 28-35; col. 14, lines 4-16).

22. As per claim 5, Saito taught the method substantially as claimed in claim 1 above, further comprising the step of:

said first client device receiving said encryption key capable of decrypting said encrypted media content, wherein said first client device receives said encryption key from said directory device (3, figure 1, col. 6, lines 61-col. 7, lines 4).

23. As per claim 7, Saito taught the method substantially as claimed in claim 1 above, further comprising the step of:

said second client device receiving said encryption key capable of decrypting said encrypted media content, wherein said second client device receives said encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

24. As per claim 10, Saito taught the method substantially as claimed in claim 1 above, further comprising the step of:

said first client device receiving said encrypted media content from said media supplier, wherein said media supplier comprises a third client device (col.20, lines 28-32).

25. Claims 3, 6, 15, 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772 in view of Herlin et al, U.S. Patent 5,915,021.

26. As per claims 3 and 15, Saito taught the method substantially as claimed in claims 1 and 13 above. Saito did not teach said second client device receiving said encrypted media content from said first client device. Herlin et al taught the method of said second client device communicating with said first client device in order to receive said encrypted media content from said first client device (col. 11, lines 29-40).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Herlin et al because Herlin et al's method of the second client device communicating with the first client device would improve the security of Saito's method by allowing the second client device to request permission from the first client device in order to receive the encrypted media content from the first client device.

28. As per claims 6, 18 and 30, Saito taught the method substantially as claimed in claims 1, 13 and 24 above. Saito did not teach said second client device receives said encryption key from said first client device. Herlin et al taught the method of said second client device receives said encryption key from said first client device (col. 4, lines 22-33).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Herlin et al because Herlin et al's method of generating the encryption key at the first client device would improve the efficiency of Saito's method by allowing the process of generating the encryption key at the first client device instead of the directory server and distribute to the second client device.

30. Claims 8 –9, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772 in view of Wiser et al, U.S. Patent 6,385,596.

31. As per claims 8, 20 and 25, Saito taught the method substantially as claimed in claims 1 and 13 above. Saito did not specifically detailing the content of the encrypted media. Wiser et al taught that the encrypted media content include video, audio, graphics, software, or information (col. 8, lines 11-17).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Wiser et al because Wiser et al's method of including different types of media content would enhanced Saito's method by increasing the field of use for his system.

33. As per claim 9, Saito taught the method substantially as claimed in claim 1 above. Saito did not teach the type of device used as the media supplier. Wiser et al taught the media supplier comprises a computer (col. 6, lines 4-8).

34. Claims 11-12, 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772 in view of Saito, U.S. Patent 5,867,579.

35. As per claims 11-12, 22-23 and 26-27, Saito, U.S. Patent 6,002,772 taught the method substantially as claimed in claims 1, 13 and 24 above. Saito, U.S. Patent 5,867,579, further taught the first client device and the second client device receiving said encrypted media content from said media supplier, wherein said first client device and said second client device is a computer, set-top-box, or digital recording/play back device (col. 23, lines 33-40).

36. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito because the combine teachings of Saito would effectively cover larger range of use by including more details in his systems.

CONCLUSION

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saito, U.S. Patent 5,974,141 disclosed a copyright data management.

Saito et al, U.S. Patent 6,081,794 disclosed a method of copying, editing, and transferring copyright data.

Benson, U.S. Patent 6,301,660 disclosed a method of protecting secure files.

Curtis et al, U.S. Patent 6,560,707 disclosed multimedia sharing between a plurality of users and a central system.

Choudhury et al, U.S. Patent 5,509,074 disclosed a method of protecting electronically published documents.

38. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.


39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on M-F 8-5.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

41. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

September 29, 2003


ZARNI MAUNG
PRIMARY EXAMINER